

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILLIAM ANDERSON,

Plaintiff,

v.

THE BASEBALL CLUB OF SEATTLE  
d/b/a/ THE SEATTLE MARINERS, et al.,

Defendants.

NO. C09-0850 RAJ

STIPULATION AND ORDER

**I. STIPULATION**

On June 17, 2010, this court entered an order requiring Defendant City of Seattle to “produce to counsel for plaintiff and co-defendants all otherwise discoverable documents that have been withheld because they contain nonconviction data.” Order (Dkt. # 33). That Order covered discovery requests pending at the time, but it did not explicitly cover discovery requests sent after the date of the order. Since that time, the plaintiff has submitted several further discovery requests to Defendant City of Seattle asking for the production of documents containing information that defendant City of Seattle believes to be privileged pursuant to the Washington State Criminal Records

Privacy Act, Title 10.97 RCW, the Public Disclosure Act, RCW 42.56.210<sup>1</sup>, RCW 5.60.060(5), the Freedom of Information Act, 5 U.S.C. § 552(b)(7)(C) and F.B.I. v. Abramson, 456 U.S. 615, 622 (1982). It is Defendant City of Seattle's position that, subject to these statutes and case law, non-conviction data and the identities of the witnesses, victims, complainants, and non-convicted suspects cannot be disclosed except pursuant to court order. This motion asks the court for an order compelling the further production of certain nonredacted documents relevant to this litigation. This motion also asks that such an order operate prospectively, so that a further order is unnecessary with respect to further discovery requests that may be made in this litigation. The parties stipulate that such an order is appropriate.

DATED: September 13, 2010.

MACDONALD HOAGUE & BAYLESS

STAFFORD FREY COOPER

By \_\_\_/s Peter Mullenix for \_\_\_\_\_  
 Timothy K. Ford, WSBA #5986  
 Attorneys for Plaintiff William Anderson

By \_\_\_/s \_\_\_\_\_  
 Ted Buck, WSBA #22029  
 Peter J. Mullenix, WSBA #37171  
 Attorneys for Defendant City of Seattle

PERKINS COIE, LLP

PETER S. HOLMES, Seattle City Attorney

By \_\_\_/s Peter Mullenix for \_\_\_\_\_  
 David J. Burman, WSBA No. 10611  
 Ryan T. Mrazik, WSBA No. 40526  
 Attorneys for the Baseball Club of Seattle

By \_\_\_/s Peter Mullenix for \_\_\_\_\_  
 Patrick Downs, WSBA #25276

<sup>1</sup> Formerly codified as RCW 42.17.310.

THIS MATTER came before the court on the parties' stipulation for an Order Requiring City to Provide Non-Conviction Data in Response to Further Discovery Requests by Plaintiff. Defendant City of Seattle is restrained from providing that documentation to the parties because of the Washington Criminal Records Privacy Act, the Public Disclosure Act, the Freedom of Information Act and *F.B.I. v. Abramson*. The court GRANTS the stipulation (Dkt. # 36), and now

ORDERS that, for all discovery requests that have been served or will be served in this litigation upon the City of Seattle, the City is authorized to and shall produce to counsel for plaintiff and co-defendants nonredacted copies of all otherwise discoverable documents that have been withheld because they contain nonconviction data.

DATED this 13th day of September, 2010.

A. Jones